



Canada Border  
Services Agency

Agence des services  
frontaliers du Canada



## ONE | STAFFING POLICY

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## Effective date

This policy takes effect on April 1, 2016.

## Application

This policy applies to all staffing actions made within the Canada Border Services Agency (CBSA).

## Legislative framework

The federal public service staffing framework is governed by legislation and policy which must be respected by sub-delegated persons.

## Context

Staffing actions must respect legislative requirements while supporting operational needs of the Agency.

## Requirements

Staffing decisions must be made in accordance with the Results and Risk-based Staffing Model.

This policy excludes requirements already stipulated in legislation and policy.

The Public Service Commission (PSC) requires Deputy Heads to establish a policy on area of selection, to provide direction on choice of appointment process; and to establish requirements to articulate, in writing, selection decisions.

### ***Establishing the area of selection***

The area of selection<sup>i</sup> for internal appointment processes must:

- Provide reasonable access to a sufficient number of potentially qualified candidates.
- Provide reasonable access to recourse in the case of a non-advertised process and must also include the area where the proposed appointee is from.
- Respect the lifeline provisions of employees from Veterans Affairs Canada and the National Energy Board.<sup>ii</sup>

The area of selection for an external appointment processes must:

- Include a national area of selection in accordance with the PSC Appointment Policy.

### ***Choice of process***

The Results and Risk-based Model provides the flexibility to choose between an advertised or non-advertised process. Deputy Head's direction on choosing the type of process is provided through the Model which must be followed when making staffing decisions.

### ***Selection decisions***

The selection decision for appointment must be based on merit and may include other elements relevant to business needs. The explanation of the decision must be made in writing and placed on the staffing file.

### **Monitoring**

The CBSA Corporate Resourcing Division of the Human Resources Branch will monitor the application of this policy.

### **Review**

This policy will be reviewed within a 5 year cycle from implementation.

### **Inquiries**

Questions related to the application of this policy are to be directed to your Human Resources Advisor.

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<sup>i</sup> Rigaud is to be considered within the geographic boundaries of Montreal for the purposes of establishing an internal area of selection.

<sup>ii</sup> Veterans Affairs Canada headquarters employees whose substantive positions are located in Charlottetown and the National Energy Board (NEB) employees whose substantive positions are located in Calgary and who were employed in the NEB prior to July 1, 1996, must be included in any internal advertised appointment process for which employees or persons occupying positions in the National Capital Region are eligible.



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# **GUIDANCE ON STAFFING**

Corporate Staffing  
Human Resources Branch  
Canada Border Services Agency

Effective Date  
February, 2019

Last Updated  
February, 2021



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## INTRODUCTION

This document is intended to provide guidance and a consistent approach for sub-delegated persons and HR advisors when conducting staffing activities.

The President's responsibilities for staffing are outlined in the Public Service Commission's Appointment Delegation and Accountability Instrument (ADAI), while sub-delegated persons' responsibilities are outlined in the CBSA's Staffing Authorities Sub-delegation Instrument, corresponding Staffing Accountability Attestation Form and in the One | Staffing Policy.

Sub-delegated persons are responsible and accountable for exercising their discretion when making appointment decisions. HR Advisors are responsible for providing advice and supporting sub-delegated persons in making these decisions.

The staffing activities must be based on the core values of merit, non-partisanship and linguistic duality while taking into consideration additional PSEA values of fairness, transparency, access, and representativeness, as well as providing flexibility, efficiency and effectiveness applicable to the given context and situation.

In case of discrepancy, the Public Service Employment Act (PSEA), the Public Service Employment Regulations (PSER), the Public Service Commission (PSC)'s Appointment Policy and other applicable legislative provisions will take precedence.



## ACTING APPOINTMENTS

### What is an acting appointment?

In accordance with the Public Service Employment Regulations (PSER), an acting appointment refers to a situation where employees are temporarily required to substantially perform the duties of a higher classification in an acting capacity. The performance of those duties would have constituted a promotion had the employee been appointed to the position.

### What are the requirements for acting appointments of less than four (4) months?

Acting appointments a period of less than four months are excluded from the requirements of:

- consideration of priorities;
- merit;
- notification; and
- recourse.

### What are the requirements for acting appointments of four (4) months or more?

Acting appointments are excluded from consideration of priorities (PSER 12); however, acting appointments of four months or more, or which extends the person's cumulative period to four months or more must be based on merit and require the notification and the right to recourse (PSER 13, 14).

#### Notice

**13** The Commission shall, at the time that the following acting appointments are made or proposed, as a result of an internal appointment process, inform the persons in the area of recourse, within the meaning of subsection 77(2) of the Act, in writing of the name of the person who is proposed to be, or has been, appointed and of their right and grounds to make a complaint:

- (a) an acting appointment of four months or more;
- (b) an acting appointment that extends the person's cumulative period in the acting appointment to four months or more.

#### Excluded from sections 30 and 77 of the Act

**14 (1)** An acting appointment of less than four months, provided it does not extend the cumulative period of the acting appointment of a person in a position to four months or more, is excluded from the application of sections 30 and 77 of the Act.

#### Exception

**(2)** Despite subsection (1), the provision of paragraph 30(2)(a) of the Act respecting official language proficiency continues to apply in the case of an acting appointment of less than four months to a vacant bilingual position if

- (a) the Commission is able to fill the position with an appointment of a person who meets the language proficiency qualification; or
- (b) the cumulative period of the acting appointments of all persons in that position is four months or more.



If one of the exclusions with respect to official language proficiency is applied, it may be indicated on the notice of acting appointment (see Annex A).

In the interest of transparency, if a sub-delegated person knows at the outset that an acting situation will be longer than four months, the appointment should reflect the complete period and recourse given.

### **How is the cumulative period of an acting appointment counted when using different positions?**

An acting appointment's cumulative period is calculated per position. If a person is acting in different positions, the cumulative periods are calculated separately. In the PSER, there is no distinction made with regards to the use of various positions even when they have same or similar functions.

It is recognised that operational requirements may at times necessitate consecutive acting appointments beyond 4 months which are subject to merit and recourse, for example when an employee is on sick leave for short period that is then extended. The use of an alternative position for the purpose of avoiding regulatory requirements is not appropriate.

### **What happens when there is a break of 30 days in the acting period?**

The break in acting period of 30 days is no longer in effect. In fact, the Public Service Commission's Choice of Appointment Process Policy is now archived on the PSC's website. Therefore, what was found in regards the 30 days period, namely "...except where the same person is appointed to the same position on an acting basis within 30 calendar days" is no longer in effect. Consequently, the cumulative period must be counted as stipulated in PSER (art. 13 and 14).

For exclusions with respect to official language proficiency, it is important to count all periods of the acting appointments of all persons up to the maximum mentioned in the PSER (art. 14(2)b), 15, 16 and 17).

Annex A provides a summary of the Exclusions from the application of merit in the context of an acting appointment.

### **What mechanism is applied if there is an acting appointment following an external advertised appointment process?**

If, following an advertised external appointment process, an internal candidate is selected for an acting appointment, a non-advertised internal acting appointment process will be the accepted appointment type as this provides recourse rights.





## ARTICULATION OF THE SELECTION DECISION

### What is an articulation of the selection decision?

The PSC's Appointment Delegation and Accountability Instrument (ADAI) requires that sub-delegated persons articulate, in writing, their selection decision. The selection decision can be defined as having the right person in the right position at the right time, with consideration given to the current and future needs of the position and organization. A selection decision is recognized when the sub-delegated person provides a fact-based explanation, in writing, for why a candidate was selected for appointment.

### What are the expectations of the Agency for selecting and articulating the selection decision?

The CBSA's expectations for the articulation of the selection decision are as follows:

- The selection decision must be based on the established merit criteria;
- Candidates being selected for appointment must meet each of the individual essential merit criteria and condition(s) of employment;
- Sub-delegated persons may choose to apply any of the additional merit criteria, including asset qualifications, and other relevant elements, depending on operational requirements or organizational needs, workforce factors, etc.;
- While factors outside of established merit criteria may be applied in selecting a candidate, they must not contravene any of the prohibited grounds of discrimination; infringe upon human rights; or create bias, personal favoritism and partisanship;
- The selection decision must be recorded in writing. Sub-delegated persons must be able to explain selection decisions (i.e. explain the reason the person(s) have been selected for appointment for purposes of informal discussion, a PSLREB complaint or a staffing investigation; and
- Notifications should reflect the merit criteria applied for the selection decision.

### Considerations

There is not a one-size-fits-all approach to written selection decisions. The extent of the selection decision depends on the organizational and workforce circumstances surrounding the appointment decision.

The following should be taken into consideration when preparing a written selection decision:



### In the context of an advertised appointment process:

- The selection decision may be based solely on the statement of merit criteria assessed throughout the selection process. For example:
  - a candidate's overall ranking if a top-down overall assessment approach was used;
  - the importance of one essential qualification in relation to the position to be staffed and current work unit context;
  - any asset qualifications, organizational needs, and operational requirements applied in the appointment decision; or
  - a combination of qualifications (e.g. two essentials qualifications plus one asset qualification applied in the appointment decision).
- In a written selection decision following an advertised appointment process, sub-delegated managers should:
  - Explain how the selection decision is based on the statement of merit criteria and is in line with workforce planning objectives;
  - Ensure the selection decision respects the Terms and Conditions outlined in the Sub-delegation Instrument <http://apollo.omega.dce-eir.net/livelink/lisapi.dll?func=ll&objaction=overview&objid=34074913> ;
  - If one or more essential qualification(s) were more important than others, and were used to arrive at the selection decision, explain which ones were used, how, and why;
  - If asset qualifications, organizational needs (such as employment equity) and/or operational requirements were used to arrive at the selection decision, indicate which were used, how, and why.
- The selection decision may also take into consideration additional elements not assessed through the process to explain why a specific candidate is being selected for appointment (e.g. business context such as unexpected departures which results in the loss of expertise/corporate memory, additional experience that is beneficial to be able to perform effectively in the position, etc.). The inclusion of such elements in a selection decision from an advertised appointment process may increase the risk level of a proposed appointment and should therefore be fully explained and discussed with the Human Resources Consultant.

### In the context of a non-advertised appointment process:

- In a written selection decision in the context of a non-advertised appointment process, sub-delegated managers should:
  - Describe the basis for the staffing action and how the appointment aligns with Human Resources Planning surrounding how staffing would be conducted.



- Describe the reason(s) why they are proceeding with a non-advertised appointment process. For example, if a candidate is chosen on the basis of talent management, or if an individual was found qualified in a pool in another organization for a similar position, this information should be incorporated in the selection decision;
- Ensure the selection decision respects the Terms and Conditions outlined in the Sub-delegation Instrument <http://apollo.omega.dce-eir.net/livelink/lilisapi.dll?func=ll&objaction=overview&objid=34074913> ;
- When warranted, an explanation of the business needs, the specific organizational context of the work unit and/or specific circumstances that led to the choice of appointment process should also be included.

**Managers are encouraged to consider the following Staffing Values definitions and questions when articulating for non-advertised appointments**

#### **FAIRNESS:**

**Definition:** Decisions are made objectively and free from political influence or personal favouritism. Policies and practices reflect the just treatment of employees and candidates. Candidates have the right to be assessed in the official language(s) of their choice in an appointment process.

**Questions to consider:** What is the potential impact of this appointment decision on others in the work unit or organization? On the usual area of selection for this group and level? Is this proposed appointee related to anyone in your unit or a personal associate of anyone in your unit? Is this decision free from political influence and personal favouritism?

#### **ACCESSIBILITY:**

**Definition:** Persons from across the country have a reasonable opportunity to apply, to do so in the official language(s) of their choice, and to be considered for public service employment.

**Questions to consider:** Did you consider anyone else for the position? How did you proceed? Is there a history of unproductive processes?

#### **TRANSPARENCY:**

**Definition:** Information about decisions, policies and practices is communicated in an open and timely manner.



**Questions to consider:** Has information regarding staffing this position been communicated to employees? Please provide details regarding when and how this was done, and who was present.

### **REPRESENTATIVENESS:**

**Definition:** Appointment processes are conducted without bias and do not create systemic barriers in order to help achieve a public service that reflects the Canadian population it serves.

**Questions to consider:** Does this appointment address a gap in the representation of one or more of the organization's employment equity groups? Was this appointment process conducted without bias? Did it avoid creating systemic barriers in order to help achieve a public service that reflects the Canadian population it serves?

### **When should a selection decision be provided?**

These guidelines apply to all internal and external advertised and non-advertised appointment processes, excluding acting appointments less than four months and staffing actions that are not considered appointments within the meaning of the PSEA.

The articulation of the selection decision must be provided and added to the electronic staffing file before publishing notifications (when applicable). (Hunter Decision 2019 FPSLRB 83)

While this decision was mainly about the choice of appointment process, it also speaks to the articulation of selection decision and the timeliness, or lack of it. In this case, the selection decision was only provided after the Notice Of Consideration went up. It is imperative that it be provided prior to any notifications being posted as decisions regarding selection decisions are required to be documented.

Examples of selection options can be found at Annex B.

## **CHOICE OF APPOINTMENT PROCESS**

### **What are the appointment process choices?**

Section 33 of the PSEA provides that appointments will be made by advertised or non-advertised appointment process. It does not indicate a preference for one type of process over the other. Either approach may be suitable for meeting immediate and/or future business needs.



## **What are the expectations of the Agency on choice of appointment process?**

The CBSA's expectations for choice of appointment process are as follows:

- Appointments will respect PSC's and CBSA's policy and procedural requirements;
- Sub-delegated persons and HRA's in staffing will engage in discussions to develop resourcing strategies to meet the sub-delegated person's organizational needs and deliver on its commitments attested as sub-delegated persons;
- The appointment decisions will support the Agency in meeting its business and human resources needs, taking into consideration:
  - The Agency's Human Resource Management and/or Employment Equity Plans; and
  - Public Service-wide resourcing initiatives.
- Sub-delegated persons will fulfill organizational and corporate responsibilities associated with the priority entitlements of individuals;
- Sub-delegated persons in collaboration with HRA's in staffing will ensure that positions are staffed efficiently through the consideration of existing pools and collective staffing strategies;
- The selected staffing strategy will not contravene any of the prohibited grounds of discrimination; infringe upon human rights; or create bias, personal favoritism and/or partisanship; and
- Overall, appointment process decisions should strive to achieve a high performing workforce through a balance between merit, efficiency and the integrity of the staffing process.

Common applications for the use of non-advertised processes can be found under [Annex C](#).

## **ESTABLISHING AN AREA OF SELECTION**

### **What is the establishment of an area of selection?**

An area of selection may be determined by establishing geographic, organizational, occupational, or employment equity criteria. Overall, decisions regarding area of selection should strive to achieve a high performing workforce through a balance between efficiency, quality of hire, and the integrity of the staffing process.

### **What are the expectations of the Agency for establishing an area of selection?**

The CBSA's expectations for establishing an area of selection are as follows:



- In the case of internal non-advertised appointment processes, an area of selection is established solely for the purpose of recourse. Therefore, it must, as a minimum, always include the work unit of the proposed appointee and the work unit where the employee is to be appointed;
- The area of selection<sup>1</sup> for internal appointment processes must:
  - Provide reasonable access when advertising;
  - Provide reasonable access to recourse<sup>2</sup>; and
  - Respect the lifeline provisions of employees from Veterans Affairs Canada and the National Energy Board<sup>3</sup>.
- In accordance with the PSC Appointment Policy, a national area of selection is required for external advertised appointment processes, except as set out below:
  1. External advertised appointment processes;
    - Limited to members of designated employment equity groups for which there is under-representation;
    - For opportunities of a specified period of six months or less; or
    - For seasonal work opportunities.
  2. External advertised appointment processes for which an exception has been approved by the deputy head;
    - When an exception is requested, the justification should;
      - Outline why a national area of selection would not be appropriate for a specific process; and
      - Demonstrate that this decision was based on exceptional circumstances and not solely on financial or timeframe considerations.
- In accordance with the CBSA's Instrument of Staffing Authorities Sub-delegation Instrument, only the President can approve an exception to the national area of selection for an external advertised process.

## When should an area of selection be established?

These guidelines apply to all internal and external advertised and non-advertised appointment processes, excluding acting appointments under four months and staffing actions that are not considered as appointments within the meaning of the PSEA.

<sup>1</sup> Rigaud is to be considered within the geographic boundaries of Montreal for the purposes of establishing an internal area of selection.

<sup>2</sup> Must also include the area where the proposed appointee is from.

<sup>3</sup> Veterans Affairs Canada headquarters employees whose substantive positions are located in Charlottetown and the National Energy Board (NEB) employees whose substantive positions are located in Calgary and who were employed in the NEB prior to July 1, 1996, must be included in any internal advertised appointment process for which employees or persons occupying positions in the National Capital Region are eligible.



## HIRING OF NON-CANADIAN CITIZENS

### When should the preference be applied to Canadian citizens?

When making an appointment under the Public Service Employment Act (PSEA), the preference applies in the context of **external advertised** processes for all indeterminate or term appointments. The sub-delegated person (SDP) must respect the following order of preference (PSEA S. 39(1)):

- A person who is in receipt of a pension by reason of war service
- A veteran or a survivor of a veteran
- A Canadian citizen, within the meaning of the Citizenship Act

If none of the 3 groups mentioned above meet the essential qualifications, and subject to any persons with a priority entitlement, non-Canadian, such as permanent residents or persons with a work permit, can be considered in no particular order.

The preference to Canadian citizens does not apply to external non-advertised appointments, Internal advertised or non-advertised appointments as well as deployments, assignments, secondments, casual workers or part-time workers.

Although there is no preference, SDP's must demonstrate due diligence and a conscious effort to have first considered individuals who do have a Canadian Citizenship. These efforts should be documented in the Selection Decision of the staffing file for reference.

### Does the preference apply to student hiring?

For the initial hiring of a student under one of the student employment programs designated by Treasury Board, preference must be given to Canadian citizens who meet the job requirements and must be appointed ahead of any other qualified person who is not a Canadian citizen as stipulated in the Student Employment Program Participants Regulations. When rehiring a student, the Student Employment Program Participants Regulations does not apply. Therefore, sub-delegated persons have the discretion to whether apply or not the preference.

### After having applied the order of preference, how to proceed if the sub-delegated person considers hiring a non-Canadian citizen?

Sub-delegated persons are responsible and accountable for verifying that the person considered is permitted to work in Canada. In some cases, SDPs may make a conditional job offer as in some cases a letter of offer is required to obtain a work permit in Canada.



Be advised that a visa allows entry into Canada but is not a work permit. For more information, please visit [procedures for obtaining a work permit](#) on the Immigration, Refugees and Citizenship Canada website.

## NON-PAID ASSIGNMENTS FOR STUDENTS

### What is a non-paid assignment for students?

Unpaid assignments for students are governed by the [Student Employment Policy](#) and the [Terms and Conditions of Employment for Students](#) which must be followed when making a staffing decision;

- The student must be a full-time student registered in a post-secondary internship program where the work experience is mandatory for graduation.
- The academic credit programs preclude payment of a salary, allowance, stipend or honorarium.
- An authorized work-education agreement must precede any student assignment. Under this agreement, the relevant school administration must provide workers' compensation for the student, in case the student is disabled by a workplace injury.
- Unpaid assignments must be educational (linked to a secondary or post-secondary institution), primarily benefit the intern and not replace paid employees.

Sub-delegated persons (SDP) must use fair and transparent employment practices, in addition to supporting the staffing values set out by the Treasury Board.

## POOL MANAGEMENT

### What are the expectations of the Agency for pool management and qualified candidates in an advertised appointment process?

The sub-delegated person has discretion in applying the staffing flexibilities which includes pool management and persons qualified in advertised appointment processes. Overall, pool management strategy may vary in order to meet the immediate and/or future business needs. The Agency's expectation in this regards are as follows:

- The pool management and persons qualified in advertised appointment processes will respect the PSEA values of fairness and transparency, as well as providing flexibility, efficiency and effectiveness applicable to the given situation;





- Following an advertised appointment process, sub-delegated persons may create a pool of qualified candidates from which appointments may be made, in order to meet the immediate and future business needs;
- Sub-delegated persons, in discussion with HRA's in staffing, may, if they wish, determine a validity period of a pool, including any extensions to that period;
- The existence of a qualified pool does not create a requirement to use it for appointment purposes if it is not considered the most effective staffing option;
- The sub-delegated person may simply qualify candidates without creating a pool and proceed with the appointments of qualified candidates as and when needed. In such a case, qualified candidates are informed that they are qualified and will be contacted if there is a requirement. This approach does not require a validity period;
- Qualified candidates are selected based on the merit criteria used by the sub-delegated person. In addition to the essential qualifications, the sub-delegated person may consider any additional qualifications, such as assets off the duties to be performed, for the present or the future, any current or future operational requirement or current or future need for the vacant position (PSEA 30 (2)). The candidates have also to meet the conditions of employment of the position to staff, in order to be nominated;
- Sub-delegated persons should, for the sake of transparency, communicate the pool management rules to the qualified candidates.
- Once a candidate has accepted an indeterminate appointment offer, following an advertised appointment process, their name will no longer be considered for future appointments, with the exception of the following situations;
  - In the case of an advertised appointment process for indeterminate positions, if a candidate accepts a term or acting opportunity from the pool, their name will remain in the pool for further consideration for indeterminate positions and other term and acting appointments;
  - In the case of an appointment process which consists of several streams, if a candidate accepts an appointment, their name will remain in the pool for further consideration for the other streams of the pool; and
  - If a candidate refuses an offer, they have the choice to continue to be considered for future opportunities or withdrawing from it altogether.

Definitions related to choice of appointment processes, types of pools and inventories can be found under Annex D.



## PROOF OF EDUCATION

### Why is it important to validate the proof of education?

The Appointment Policy requires that sub-delegated persons ensure that a person appointed meets each essential qualification established, and that information related to the assessment is accessible for at least five years after the last administrative action on the appointment process. As education qualifications are part of the essential merit criteria, validating the proof of education is a key component in assessing candidates. Validating the proof of education serves also for purposes of informal discussion, a Federal Public Sector Labour Relations and Employment Board (PSLREB) complaint or a PSC investigation.

### How is the proof of education validated?

Sub-delegated persons have the discretion to determine the approach to be used, provided the method chosen is verifiable and reliable in confirming that candidates possess the relevant education credential; and allows to determine whether or not the credentials satisfy the established education qualification. The fundamental rule is that sub-delegated persons must assess the education criterion that is applied for the appointment process (e.g. if a high school diploma qualification is applied, then sub-delegated persons must ensure that the candidate has a high school diploma).

Requirements for the education qualification applied for an appointment can be found at Annex E.

### What documents are acceptable?

Sub-delegated persons may accept a range of documents to confirm a person has the education qualification they stated on their job application. Possible options include, but are not limited to, the following:

- Copy of the degree/diploma signed and dated by a Federal Public Servant confirming that it is a copy of the original;
- Attestation of having seen the original degree or diploma;
- Official transcript from academic institution;
- Written confirmation from academic institution.

It is important to be vigilant when assessing the education qualification in order to avoid fraudulent proof of education. In case of doubt, it is expected that sub-delegated persons complete further research.

Foreign education credentials must be assessed against Canadian standards through a recognized credential assessment service.



## ANNEXES

### ANNEX A — EXCLUSIONS FROM THE APPLICATION OF MERIT FOR ACTING APPOINTMENTS

TYPE OF POSITION	QUALIFICATIONS OTHER THAN OFFICIAL LANGUAGE PROFICIENCY	OFFICIAL LANGUAGE PROFICIENCY		
		Cumulative period of the acting appointments of all persons in the bilingual position		
		Less than 4 months	4 months or more but not more than 12 months	More than twelve months but not more than 18 months
<b>When the person meets the language requirements of the position</b>	Excluded from the application of merit (PSEA 30), including official language proficiency, provided the cumulative period of the acting appointment of <u>a person</u> in a position is less than four months. (PSER 14(1))	NOT APPLICABLE		
<b>Vacant Bilingual position</b>	Excluded from the application of merit (PSEA 30) provided the cumulative period of the acting appointment of <u>all persons</u> in a position is less than four months. (PSER 14(1))	Excluded from the application of merit (PSEA 30) with respect to official language proficiency if, after reasonable efforts, the position cannot be filled by a person who meets the official language proficiency qualification. (14(2)(a))	Subject to the application of merit, including official language proficiency. (PSER 14(2)(b))	
<b>Excluded from the application of merit with respect to official language proficiency - Encumbered position</b>	Excluded from the application of merit (PSEA 30) provided the cumulative period of the acting appointment of <u>all persons</u> in a position is less than four months. (PSER 14(1))	Excluded from the application of merit (PSEA 30) with respect to official language proficiency. (14(1))	15 (1) Subject to subsection 15(2), an acting appointment of four months or more but not more than twelve months to an encumbered bilingual position that the Commission cannot fill with an acting appointment of a person who meets the language proficiency qualification under paragraph 30(2)(a) of the Act is excluded from the application of that paragraph respecting official language proficiency. 15 (2) Subsection (1) does not apply to an acting appointment to the same position if the cumulative period of the acting appointments of all persons in that position is more than twelve months.	Subject to the application of merit, including official language proficiency. (PSER 15(2))



Excluded from the application of merit with respect to official language proficiency- Language training	Excluded from the application of merit (PSEA 30) provided the cumulative period of the acting appointment of <u>all persons</u> in a position is less than four months. (PSER 14(1))	Excluded from the application of merit (PSEA 30) with respect to official language proficiency. (14(1))	16(1) Subject to subsection (2), an acting appointment of four months or more but not more than eighteen months to a bilingual position, while the incumbent is on language training, that the Commission cannot fill with an acting appointment of a person who meets the language proficiency qualification under paragraph 30(2)(a) of the Act is excluded from the application of that paragraph respecting official language proficiency.  16(2) Subsection (1) does not apply to an acting appointment to the same position if the cumulative period of the acting appointments of all persons in that position is more than eighteen months.
Rotational position	17 Despite sections 14 to 16, an acting appointment to a position in a rotational system established by the deputy head, in order to provide for the movement of employees within and outside Canada in the following organizations is excluded from the application of sections 30 and 77 of the Act: (a) Department of Citizenship and Immigration, (b) Department of Foreign Affairs and International Trade, and (c) Canada Border Services Agency.		
For a vacant position, the cumulative period starts over following a deployment or an appointment to a term or indeterminate appointment. For an encumbered position, the cumulative period starts over when the incumbent returns to their substantive position.			



## ANNEX B — SELECTION DECISION OPTIONS

Sub-delegated persons may choose from several options when selecting the person suited for the position.

SELECTION OPTIONS	DESCRIPTION / ADDITIONAL NOTES	EXAMPLE
<b>Merit – Advertised process</b>	It is possible to apply different merit criteria for each appointment.	<p>Use of candidate assessment results can be applied in selection decision as follows:</p> <ul style="list-style-type: none"> <li>• All qualifications have the same importance and there is very little to differentiate between candidates. The candidate who has the highest score overall can be selected. This could be appropriate for lower level or entry level positions.</li> <li>• Specific merit criteria may be more important for selection at one point which means the results for one or more of the merit criteria may be applied for this appointment, i.e. candidate is chosen based on highest score for one or more qualifications. Different criteria may apply for another appointment based on the needs of the work unit at that time.</li> <li>• This will also apply in relation to the decision to apply asset criteria, or needs or operational requirements, depending on the needs of the work unit.</li> </ul>
<b>Other Education or Experience (not identified in SoMC)</b>	Use a combination of education, experience, skills, or work history as it relates to the position in addition to pre-existing merit criteria identified on the SoMC.	While the original SoMC did not indicate a specific experience for the position in question, the sub-delegated person is selecting an individual who meets merit in addition to possessing this experience which has been deemed value added for the position to be staffed.



<b>Organizational needs</b>	Selection of a candidate based on an organizational need that has been identified on the Statement of Merit Criteria, e.g. Consideration may be given to persons affected by workforce adjustment or; Consideration may be given to candidates self-identifying as belonging to one of the Employment Equity groups.	<p>Apply when a CBSA employee <u>affected</u> by workforce adjustment is available and qualified for appointment.</p> <p>Appointment of a candidate who self-identifies for the purpose of increasing representation of EE groups.</p>
<b>Operational requirements</b>	Selection of a candidate based on identified operational requirements.	<ul style="list-style-type: none"> <li>• Willingness to work overtime, or shift work.</li> <li>• Willingness to travel.</li> </ul>
<b>Retention</b>	Selection of a candidate based on retaining a particular employee or candidate within the organization or unit.	A term employee who has been working in the unit for over a year is being selected from a qualified pool above others to ensure they are retained based on their experience or existing knowledge of the position to advance the current or future needs of the organization.
<b>Availability</b>	<p>Selection of a candidate based on availability to begin work within a reasonable timeframe.</p> <p>When using this criteria for selection decision, sub-delegated person may seek advice and guidance from their Staffing Advisors.</p> <p>This selection option should be used in <b>exceptional circumstances</b> and it must be established in the conditions of employment.</p> <p>When using this selection option, it is important to consider that a decision like this may be grounds for a complaint based on discrimination (e.g.: employees on maternity leave, parental leave, sick leave, etc.).</p>	Particularly when the need is for a time-sensitive short term fixed period, e.g. a project starting immediately, a sub-delegated person may select one individual over another because they are available to begin work immediately, while others are not.



## ANNEX C — COMMON APPLICATIONS OF A NON-ADVERTISED PROCESS

The following table provides examples of circumstances that could lead to the use of a non-advertised appointment process considered in the best interests of the public service.

POTENTIAL CIRCUMSTANCE(S)	CONTEXT AND ADDITIONAL INFORMATION
<b>Acting Appointment for Developmental Purposes</b>	An acting appointment <u>over four months</u> to provide an employee with developmental opportunities.
<b>Acting Appointment – Operational Requirements</b>	An acting appointment over four months where it would be detrimental to the operations to rotate acting appointments every four months.
<b>Appointment to a Position in a Location Difficult to Staff</b>	Appointment of an individual to a position in a location where the pool of potential candidates is limited or non-existent and where advertising is unlikely to produce any additional qualified candidates, e.g. positions identified as eligible for the isolated post allowance, that have historically been difficult to staff.
<b>Appointment at level from a specified term to indeterminate</b>	Appointment of an employee on an indeterminate basis in circumstances whereby it is not a promotion, however the tenure has changed from term to indeterminate. (This does not include change in employment tenure as a result of the TBS Term Policy)
<b>Developmental and Apprenticeship Program</b>	Promotion of an employee hired into an approved development, apprenticeship or professional training program run by a central agency or established and approved by the Agency.
<b>Employment Equity</b>	Appointment of a designated group member to address or close a gap in representation in accordance with the department's EE plan or workforce analysis.
<b>Highly Specialized Skills</b>	Appointment of an individual to a position that requires highly specialized qualifications that are difficult to find and where advertising is unlikely to produce any additional qualified candidates.
<b>Employees in Affected Status</b>	Appointment of an employee who is officially in an affected status by a workforce adjustment situation but not yet declared surplus.
<b>Limited Qualified Resources</b>	Appointment of an individual when a recently conducted advertised appointment process was unproductive or where the pool of qualified candidates is exhausted.
<b>Reclassification</b>	Appointment of an employee to their reclassified position.



<b>Rehiring of a Former Public Servant</b>	Appointment of a former employee of the federal public service, where the individual's skills meet the requirements of the position being staffed.
<b>Re-organization</b>	Appointments in the context of a reorganization of a work unit which has led to the creation of different higher-level positions and the elimination of former positions. The appointment will avoid a workforce adjustment situation for an individual that is deemed qualified for the new position.
<b>Return on investment</b>	Appointment of an individual who is employed (was previously employed) in the Public Service in a position requiring competencies similar to those required for the position to be filled. Example: Hiring of a Former Student
<b>Urgent Needs</b>	A temporary appointment (i.e.: term appointment or acting appointment over four months) to address urgent unforeseen circumstances (could not have been planned for).
<b>This is not an exhaustive list and may not be suitable for all situations.</b>	





## ANNEX D — DEFINITIONS OF CHOICE OF APPOINTMENT PROCESSES, TYPE OF POOLS AND INVENTORIES

PROCESSES, POOLS & INVENTORIES	DEFINITIONS
<b>Advertised Process</b>	<p>An appointment process where persons in the area of selection are informed of and can apply to an appointment opportunity.</p> <p>Advertised refers to job opportunities posted at a minimum 24 hours, on the <u>Government of Canada's Public Service Resourcing</u> website.</p>
<b>Non-Advertised Process</b>	<p>An appointment process that does not meet the criteria for an advertised appointment process.</p> <p>One or more persons can be considered/assessed for a position but no advertisement soliciting applications is issued on the <u>Government of Canada's Public Service Resourcing</u> website.</p>
<b>Collective Staffing Process</b>	<p>Collective staffing processes are typically used when there are multiple similar positions to fill. The sub-delegated persons may or may not create a pool of qualified candidates.</p>
<b>Distinct Staffing Process</b>	<p>A distinct staffing process is one that advertises one or a few specific positions to be staffed. The sub-delegated person may or may not create a pool of qualified candidates.</p>
<b>Fully Qualified Pool</b>	<p>A pool of qualified candidates who, in addition to having met all the essential qualifications, have been assessed on all the other merit criteria of the position(s) to be staffed (including language requirements).</p>
<b>Essentially Qualified Pool</b>	<p>A pool of qualified candidates who meet all the essential qualifications of the position(s) to be staffed, including language requirements</p>
<b>Partially Assessed Pool</b>	<p>Candidates in an advertised appointment process have been assessed and found qualified for some, but not all, of the essential qualifications for the position(s) to be staffed.</p> <p><b>Note:</b> Sub-delegated persons are then responsible for completing the assessment of select individuals prior to making an appointment. In order to be appointed, Individuals must meet, at a minimum, all essential qualifications and any other merit criteria being applied towards the determination of the selection decision. Candidates must also meet the conditions of employment of the position to be staffed, prior the appointment.</p>
<b>Inventory</b>	<p>Persons who have applied to an advertised appointment process; however, their applications have not yet been screened or assessed in any way.</p>



## ANNEX E — REQUIREMENTS FOR THE EDUCATION QUALIFICATION APPLIED FOR THE APPOINTMENT PROCESS

EDUCATION QUALIFICATION	REQUIREMENTS & ASSESSMENT
<b>Minimum requirements</b>	The Treasury Board <u>Qualification Standards</u> outline the mandatory minimum requirements necessary to perform the work in a given occupational group or classification. The qualification standards apply to all appointments and for all intra-group and inter-group deployments and deployments from separate agencies.
<b>Employer-approved alternatives</b>	<p>Sub-delegated persons must indicate whether it is the education criterion or the employer-approved alternatives that was applied <u>and</u> demonstrate how the candidate meets the criterion.</p> <p>Employer-approved alternatives must always be specified on the statement of merit criteria (SOMC) and, when applicable, the job advertisement (e.g. « secondary school diploma or employer-approved alternatives »). Alternatives are only applicable for certain group or classifications only.</p>
<b>Acquired rights or specific application to the occupational group</b>	<p>Acquired rights are the rights that some people may maintain as stipulated in certain <u>Qualification Standards</u> for specific occupational groups.</p> <p>When the acquired rights or specific application to the occupational group is applied, the staffing file must be documented, including the narrative assessment in the case of a non-advertised process, with the supporting information related to the employee's current substantive position. The supporting documentation would be a CAS screenshot or letter of offer proving the candidate's current substantive appointment.</p>
<b>Attestation</b>	Sub-delegated persons must, at minimum, demonstrate that an original document has been viewed and provide the name and location of the school institution along with the education credential title enabling further verification and confirmation of aquired credential, if needed (e.g. document, note to file, narrative assessment).
<b>Accepting higher level of education</b>	<p>Sub-delegated persons have the authority to determine that a higher level of education is deemed acceptable proof of meeting a required education criterion (e.g. if a secondary school diploma is required for the appointment and it was determined that a candidate's post-secondary diploma is acceptable, then the sub-delegated person must document their assessment and validation of post-secondary diploma).</p> <p>For transparency purposes, the sub-delegated person should indicate on the SOMC and, if applicable, the job advertisement that a higher level of education may be acceptable. It is also recommended that the information recorded in the staffing file be specific (e.g. post-secondary diploma acceptable vs. secondary school diploma).</p> <p>Take note that certificates may require only a few courses which might not reflect the type of knowledge/ability that is assessed via the possession of a high school diploma.</p>



**Processes restricted to CBSA employees requiring a secondary school diploma (excluding intergroup deployment)**

Although the most appropriate documentation is the actual credential document, sub-delegated persons have the authority to determine that a written confirmation is sufficient proof in some circumstances (e.g. email confirmation, resume). Should this approach be used, the narrative assessment must at minimum provide the name and location of the educational institution and the year of graduation in order to enable further verification and confirmation of the credential, if needed.



## REFERENCES

### LEGISLATION ACTS AND GUIDES

When referencing and/or applying the Guidance on staffing, sub-delegated persons and HRA's in operational staffing must do so in conjunction with the governing legislation, policies and directives in staffing when making their appointment related decisions.

- [Public Service Employment Act](#)
- [Public Service Employment Regulations](#)
- [Public Service Official Languages Exclusion Approval Order](#)
- [Other Regulations and Orders](#)
- [Public Service Commission \(PSC\) Appointment Policy](#)
- [PSC Appointment Delegation and Accountability Instrument \(ADAI\)](#)
- [CBSA Staffing Authorities Sub-delegation Instrument](#)
- [The One | Staffing Policy](#)

### ENQUIRIES

Enquiries related to these guidelines should be referred to the [Corporate Staffing generic mailbox](#).



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# Public Service Commission

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## COVID-19

**Candidates:** Due to COVID-19, in-person operations at Public Service Commission test centres in Gatineau, Montréal, Toronto and Vancouver are postponed until further notice. In-person testing at our test centre in **Halifax resumed on November 17, 2020.**

**[Questions and answers for Canadians](#)**

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The Public Service Commission (PSC) is responsible for promoting and safeguarding a merit-based, representative and non-partisan public service that serves all Canadians, in collaboration with stakeholders. We also manage the tools for public service recruitment, providing applicants and managers with a single portal to access all public service job opportunities.

We report independently to Parliament on our mandate. Our annual report and special reports are tabled in Parliament by our designated minister, the [President of the Queen's Privy Council](#).

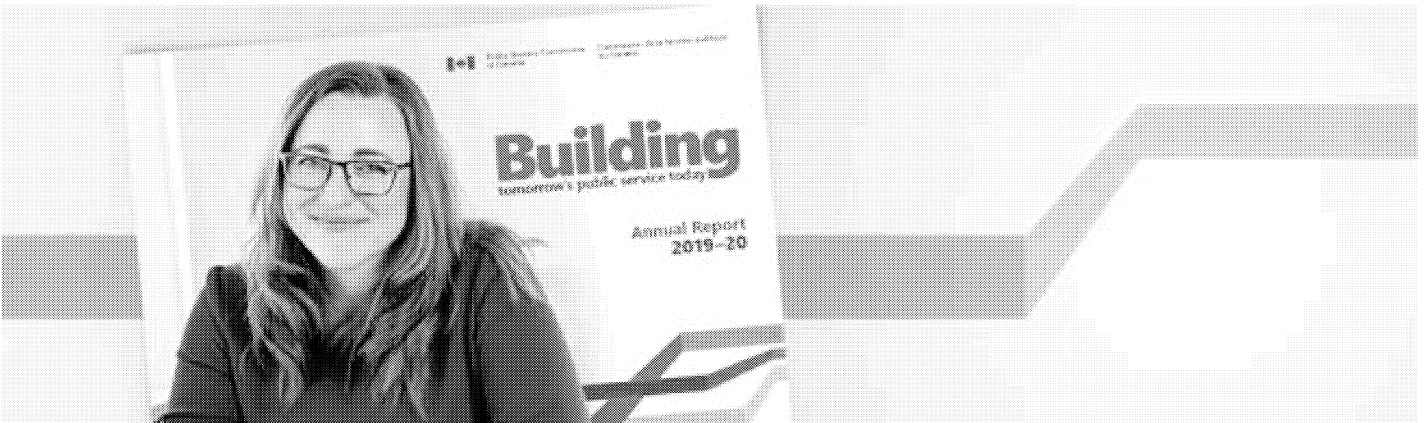
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[2021-01-28 08:08]

## Public Service Commission of Canada publishes audit report on employment equity representation in recruitment

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Get information on language testing and language requirements in the public service.

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Access time-saving, targeted inventories or specialized recruitment programs and initiatives.

## **Staffing and assessment tools and resources**

Find out about the advertising and screening process, student and graduate recruitment programs, occupational tests and career counselling.



## **Priority Administration**

Find information about the priority entitlements that help public servants cope with career transitions.

## **Public service hiring policies and processes**

Access tools and resources related to staffing activities under the Public Service Employment Act.

## **Political activities of public servants**

Find guidance on the participation of public service employees in political activities.

## **Monitoring, audits and investigations**

Learn how the Public Service Commission safeguards the integrity of appointments and oversees the political impartiality of the federal public service.

# What we are doing

## **Acts and regulations**

- *Public Service Employment Act*
- *Public Service Employment Regulations*
- *Veterans Hiring Act*

## **All related acts and regulations**

## **Publications**

- *Annual Report 2019–20: Building tomorrow's public service today.*

- [\*Employment Equity Promotion Rate Study\*](#)
- [\*Results of the Horizontal Audit on Credential Validation\*](#)
- [Annual Report 2018-19: Building tomorrow's public service today](#)

## **All related publications**

## **Open data**

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[Patrick Borbey](#)

President

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2021-01-20



Canada Border  
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Agence des services  
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# Staffing Authorities Sub-delegation Instrument

## Instrument de subdélégation des pouvoirs en matière de dotation



PROTECTION • SERVICE • INTEGRITY

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## Staffing Sub-delegation Instrument

### Preamble

The President of the Canada Border Services Agency (CBSA) has been delegated appointment and appointment-related authorities by the Public Service Commission (PSC) pursuant to the *Public Service Employment Act* (PSEA). The terms and conditions of delegation are stated in the PSC Appointment Delegation and Accountability Instrument (ADAI) which can be viewed at: <https://www.canada.ca/en/public-service-commission/services/appointment-framework/delegation-overview.html>

Only the President may make substantial modifications to the Sub-delegation instrument, sub-delegate or revoke Sub-delegation of appointment authorities. Therefore, Sub-delegations persons (SDPs) do not have the authority to restrict or withdraw the staffing Sub-delegation authority of others. As circumstances warrant, SDPs may restrict the exercise of other managerial authorities such as finance, within their responsibility centre. SDPs must report any situation that may jeopardize the President's sub-delegated authority to the Vice-President (VP) of Human Resources Branch (HRB) who will make recommendations to the President to ensure appropriate action is taken. See the corrective measures section in this regard.

Pursuant to ss. 24 (2) of the PSEA and in accordance with the ADAI, the President may sub-delegate part of his delegated authorities to persons within his jurisdiction. Sub-delegation of staffing authorities by the President to managers or other individuals empowers them to exercise and perform these authorities while being accountable for all decisions they make directly to the President, who in turn is accountable to the PSC.

This Staffing Authorities Sub-delegation Instrument (hereafter referred to as 'Instrument') sets out the authorities sub-delegated by the President to sub-delegated persons (SDPs) at CBSA (see Annex A), as well as the terms and conditions of Sub-delegation and pre-requisites that must be met prior to being sub-delegated at CBSA.

A person performing the duties of a position identified in this Instrument, either temporarily or permanently, may be sub-delegated staffing authorities at the CBSA. When a person meets the prerequisites specified in the [http://atlas/hrb-dgrh/staffing-dotation/subdeleg\\_eng.asp](http://atlas/hrb-dgrh/staffing-dotation/subdeleg_eng.asp)

## Instrument de subdélégation en dotation

### Préambule

En vertu de la *Loi sur l'emploi dans la fonction publique* (LEFP), le président de l'Agence des services frontaliers du Canada (ASFC) a reçu la délégation des pouvoirs de dotation et des pouvoirs connexes par la Commission de la fonction publique (CFP). Les conditions et les modalités liées à la délégation sont énoncées dans l'Instrument de délégation et de responsabilisation en matière de nomination (IDRN) de la CFP, qui peut être consulté à l'adresse suivante : <http://www.psc-cfp.gc.ca/plcy-pltq/frame-cadre/nds-nod/adai-idrmn-fra.htm>.

Seul le président peut modifier l'instrument de subdélégation en cas de modification substantielle, subdéléguer ou révoquer une subdélégation de pouvoirs de nomination. Par conséquent, les personnes subdélégées (PSD) n'ont pas le pouvoir de restreindre ou de retirer le pouvoir de subdélégation de dotation d'autres personnes. Si les circonstances le justifient, les PSD peuvent restreindre l'exercice d'autres autorités de gestion, telles que les finances, au sein de leur centre de responsabilité. Les PSD doivent signaler toute situation susceptible de compromettre les pouvoirs subdélégués du président au vice-président (VP) de la Direction des ressources humaines (DGRH), lequel fera des recommandations au président afin que les mesures appropriées soient prises. Voir la section sur les mesures correctives à cet égard.

Selon le paragraphe 24(2) de la LEFP et conformément à l'IDRN, le président peut subdéléguer une partie de ses pouvoirs délégués aux personnes relevant de sa compétence. La subdélégation de pouvoirs de dotation par le président aux gestionnaires ou à d'autres personnes les autorise à exercer ces pouvoirs, et ils sont responsables de toutes les décisions prises devant le président qui doit, à son tour, en rendre compte à la CFP.

L'Instrument de subdélégation de pouvoirs en matière de dotation (appelé ci-après l'« Instrument ») énonce les pouvoirs subdélégués par le président aux personnes subdélégées (PSD) à l'ASFC (voir annexe A) ainsi que les modalités et conditions de la subdélégation ainsi que les prérequis qui doivent être rencontrés avant d'être investi des pouvoirs subdélégués à l'ASFC.

Une personne effectuant les fonctions d'un poste identifié dans le présent Instrument, de manière temporaire ou permanente, peut être subdéléguée les pouvoirs de dotation à l'ASFC. Lorsqu'une personne satisfait aux prérequis spécifiés dans le processus de <http://atlas/hrb-dgrh/staffing->

a letter of confirmation of sub-delegation will be issued. The Sub-delegation takes effect the day you receive the signed Sub-delegation confirmation by email. The Corporate Staffing Division is responsible for validating that the training has been completed, that the certification form has been signed and that the list of sub-delegated person is up to date.

### Sub-delegation portability

The staffing Sub-delegation is portable within the CBSA. As such, staffing Sub-delegation will be valid for subsequent appointments/assignments and a new letter will not be issued. When a person has not yet been sub-delegated, the appointment authorities must be exercised by the appropriate SDP at the next level up. It is important to note that financial authority is specific to a cost center and to a specific level. Therefore a SDP with financial delegation must contact his/her financial officer when he/she is temporarily or permanently assigned to another unit/division/directorate within CBSA or at another level.

### Terms and Conditions of Sub-delegation

SDPs must exercise their sub-delegated authorities within the parameters set out by the ADAI and by this Instrument, including:

- Exercise authorities that have been sub-delegated to their level as identified in this Instrument within their own area of responsibility and with respect to employees and/or positions reporting to them (unless otherwise stipulated in this Instrument) and in consultation with the HRA who provides advice and guidance;
- Except where otherwise stipulated, SDPs may only make appointments to positions that are classified at a lower group and level.
- Exercise sub-delegated staffing authorities in accordance with the principles set out in the preamble of the PSEA, with the Values and Ethics Code for the Public Sector (<http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=25049>) and the CBSA Code of Conduct ([http://atlas/hrb-dgrh/res/ve-ev/code/index\\_eng.asp](http://atlas/hrb-dgrh/res/ve-ev/code/index_eng.asp))
- Exercise sub-delegated staffing authorities in accordance with the PSEA (<http://laws-lois.justice.gc.ca/eng/acts/P-33.01/index.html>), the *Public Service Employment Regulations* (PSER) (<http://laws-lois.justice.gc.ca/eng/regulations/SOR-2005-334/index.html>), the PSC's Appointment Framework (<https://www.canada.ca/en/public-service-commission/services/appointment-framework.html>), the CBSA's staffing framework ([http://atlas/hrb-dgrh/pbs-psa/crd-srm/index\\_eng.asp](http://atlas/hrb-dgrh/pbs-psa/crd-srm/index_eng.asp)) and any other applicable statutory instruments as they pertain to the integrity of appointments;

[dotation/subdeleg\\_fra.asp](mailto:dotation/subdeleg_fra.asp) une lettre de confirmation de subdélégation sera émise. La subdélégation **entre en vigueur** la journée où vous recevez par courriel la confirmation de subdélégation signée. La Division de la dotation ministérielle est responsable de valider que la formation a été suivie, que le formulaire d'attestation a été signé et que la liste des personnes subdélégées soit à jour.

### Portabilité de la subdélégation

La subdélégation des pouvoirs en dotation est transférable au sein de l'ASFC. Ainsi, la subdélégation en dotation sera valide pour les nominations/affectations subséquentes et une nouvelle lettre ne sera pas émise. Lorsqu'une personne n'a pas encore été subdélégée, les pouvoirs de nomination doivent être exercés par la PSD au niveau supérieur suivant. Il est important de noter que les pouvoirs financiers sont propres à un centre de coûts et à un niveau donnés. Par conséquent, la PSD avec la délégation financière doit communiquer avec son agent financier si elle est affectée de manière temporaire ou permanente à une autre unité, division, direction au sein de l'ASFC ou à un autre niveau.

### Modalités et conditions de la subdélégation

Les PSD doivent exercer leurs pouvoirs subdélégés selon les paramètres fixés par l'IDRN et par le présent instrument, y compris :

- Exercer les pouvoirs de dotation subdélégés à leur niveau comme indiqué dans cet instrument, qui s'inscrivent dans leur secteur de responsabilité respectif et à l'égard des employés et/ou des postes qui relèvent d'eux (sauf stipulation contraire dans le présent instrument) et en consultation avec le CRH qui fournit avis et conseils;
- Sauf stipulation contraire, les PSD peuvent seulement faire des nominations à des postes qui sont classifiés à un groupe et niveau inférieur à leur poste d'attache;
- Exercer les pouvoirs de dotation qui leur ont été subdélégés conformément aux principes énoncés dans le préambule de la LEFP, au Code de valeurs et d'éthique du secteur public (<http://www.tbs-sct.gc.ca/pol/doc-fra.aspx?id=25049>) et au Code de conduite de l'ASFC ([http://atlas/hrb-dgrh/pol/sr-rt/code/cc\\_fra.asp](http://atlas/hrb-dgrh/pol/sr-rt/code/cc_fra.asp));
- Exercer les pouvoirs de dotation qui leur ont été subdélégés conformément à la LEFP (<http://laws-lois.justice.gc.ca/fra/lois/P-33.01/index.html>), au *Règlement sur l'emploi dans la fonction publique* (REFP) (<http://laws-lois.justice.gc.ca/fra/reglements/DORS-2005-334/index.html>), au Cadre de nomination de la CFP (<http://www.psc-cfp.gc.ca/plcy-pltq/frame-cadre/policy-politique/index-fra.htm>), au cadre de dotation de l'ASFC ([http://atlas/hrb-dgrh/pbs-psa/crd-srm/index\\_fra.asp](http://atlas/hrb-dgrh/pbs-psa/crd-srm/index_fra.asp)) ainsi qu'à tout autre texte réglementaire applicable relatif à l'intégrité des nominations;

- Exercise sub-delegated staffing authorities in accordance with Treasury Board Secretariat (TBS)'s policies and directives as they pertain to staffing in the federal public service (<http://www.tbs-sct.gc.ca/pol/index-eng.aspx>);
- Be accountable for decisions made in relation to their sub-delegated staffing authorities and ensure that appointments and appointment-related decisions are fully documented and are accessible for the time period in line with existing requirements on file retention from the last administrative action;
- Exercise sub-delegated staffing authorities in alignment with their operational, financial and organizational context. Therefore, prior to initiating any staffing process, SDPs must discuss it with their manager who has the financial delegation.

#### Corrective Measures and Revocation of Sub-delegation

If an SDP shows intent to take actions that seems contrary to the legislation, the PSC or the organizational requirements, the HRA is responsible for providing that person with sound and persuasive advice. Where the SDP's preferred solution creates a risk of non-compliance with requirements, the situation must be escalated up the chain of command through Corporate Staffing.

Only the President may sub-delegate and revoke the Sub-delegation of staffing authorities or set conditions limiting the exercise of staffing sub-delegated authorities. Conditions may affect one or more SDPs or one or more parts of the organization and may include, but are not limited to, revoking some or all sub-delegated authorities and imposing or adding conditions and limitations on the exercise of staffing authorities. Therefore, SDPs cannot revoke, limit or withhold staffing Sub-delegation authorities from their direct reports. However, managers can address misuse of staffing sub-delegated authorities through disciplinary action or performance management, as appropriate.

#### Level of Sub-delegation

Staffing authorities are sub-delegated based on position title and responsibilities. Only persons who are performing the duties of jobs identified in the chart below can be sub-delegated staffing authorities within the CBSA. If your title is not identified in the table below **and** you are responsible for a budget, please consult with Corporate Staffing to determine your Sub-delegation eligibility. Sub-delegated persons must exercise their authority in accordance with their assigned level and in accordance with this Instrument.

- Exercer les pouvoirs de dotation qui leur ont été subdélégés conformément aux politiques et directives du Secrétariat du Conseil du Trésor (SCT) relatives à la dotation dans la fonction publique fédérale (<http://www.tbs-sct.gc.ca/pol/index-fra.aspx?tree=policy>);
- Rendre compte des décisions prises en ce qui concerne leurs pouvoirs de dotation subdélégés et s'assurer que toutes les décisions de nomination et les décisions connexes sont entièrement documentées et sont accessibles pour une période de temps conforme aux exigences existantes en matière de conservation de fichiers à compter de la dernière mesure administrative;
- Exercer les pouvoirs de dotation qui leur ont été subdélégés en tenant compte de leur contexte opérationnel, financier et organisationnel. Par conséquent, avant d'entamer un processus de dotation, les PSD doivent en discuter avec leur gestionnaire qui a la délégation financière.

#### Mesures correctives et révocation de la subdélégation

Si une PSD montre l'intention de prendre des mesures qui semblent contraires à la législation, aux exigences de la CFP ou celles organisationnelles, le CRH est responsable de fournir à cette personne des conseils judicieux et convaincants pour qu'elle agisse autrement. Lorsque la solution privilégiée par la PSD crée un risque de non-conformité avec les diverses exigences, la situation doit être montée selon les paliers hiérarchiques dans la chaîne de commandement, via la dotation ministérielle.

Seul le président peut subdéléguer et révoquer la subdélégation des pouvoirs de dotation ou imposer des conditions limitant l'exercice des pouvoirs subdélégés. Les conditions peuvent viser une ou plusieurs PSD ou encore viser un ou plusieurs secteurs de l'ASFC. Les mesures correctives peuvent comprendre, sans toutefois s'y limiter, la révocation de certains ou de l'ensemble des pouvoirs subdélégés ou même l'imposition ou l'ajout de conditions et de restrictions à l'exercice des pouvoirs de dotation. Donc, les PSD ne sont pas autorisées à révoquer, à limiter ou à retenir les pouvoirs de dotation qui ont été subdélégés à leurs subordonnés. Cependant, les gestionnaires peuvent remédier à l'usage abusif des pouvoirs de dotation par des mesures disciplinaires ou par la gestion du rendement, selon le cas.

#### Niveau de subdélégation

Les pouvoirs de dotation sont subdélégés selon le titre des postes et les responsabilités. Seules les personnes qui effectuent les tâches des postes identifiés dans la charte ci-dessous peuvent se voir subdéléguer des pouvoirs de dotation au sein de l'ASFC. Les personnes subdélégées doivent exercer leurs pouvoirs conformément au niveau de subdélégation qui leur est conféré et conformément à l'instrument.

Order of levels:

- A Sub-delegated Person at a higher level in the Sub-delegation levels table (see below) may exercise any or all of the authorities for lower levels (e.g. Level 3 includes Levels 4 and 5).
- Sub-delegation Level 1B is not permitted to exercise the authorities of level 1A.

**Sub-delegation by the President**

I hereby sub-delegate the authorities identified in this document to the persons, who meet the staffing sub-delegation pre-requisites, to exercise the authorities of the positions identified in this instrument at the specified levels, within their area of responsibility and area of authority (unless otherwise indicated) under the stated conditions and limitations.

Ordre de préséance des niveaux :

- Une PSD à un niveau plus élevé de subdélégation indiqué dans la table ci-dessous peut exercer les pouvoirs de niveaux inférieurs (p.ex. une PSD au niveau 3 peut également exercer les pouvoirs compris dans les niveaux 4 et 5).
- Une PSD au niveau 1B n'est pas autorisé à exercer les pouvoirs au niveau 1A.

**Subdélégation par le président**

Par la présente, je subdélègue les pouvoirs identifiés dans le présent document aux personnes, qui rencontrent les prérequis de la subdélégation en dotation, qui exercent les responsabilités des postes indiqués dans cet instrument, au niveau précisé et pour les personnes relevant de leur champs de compétence ou leur secteur d'autorisation (sauf indication contraire), sous les conditions et les limites identifiées.

ORIGINAL SIGNED BY/ORIGINAL SIGNÉ PAR:

\_\_\_\_\_  
John Ossowski  
President/Président

\_\_\_\_\_  
Date

Canada Border Services Agency/Agence des services frontaliers du Canada



## Canada Border Services Agency Sub-delegation Levels Table / Agence des services frontaliers du Canada Tableau des niveaux de subdélégation

LEVEL	AREA OF AUTHORITY	TITLE	NIVEAU	CHAMP DE COMPÉTENCE	TITRE
<b>P</b>	CBSA	President	<b>P</b>	ASFC	Président
<b>1A</b>	CBSA	<sup>1</sup> Vice President (VP) Human Resources Branch (HRB)	<b>1A</b>	ASFC	<sup>1</sup> Vice-président (VP) de la Direction générale des ressources humaines (DGRH)
<b>1B</b>	Own Branch	Executive Vice President (EVP), Vice President (VP including VP HRB), Associate Vice President (AVP), Chief of Staff (CofS), Chief Audit and Evaluation Executive	<b>1B</b>	Au sein de la direction générale	Premier vice-président (Pr. VP), vice-président (VP y compris le VP de la DGRH), vice-président associé (VPA), chef de cabinet (C.de C.), Dirigeante principale de la vérification et de l'évaluation
<b>2</b>	Own Directorate	Director General (DG), Regional Director General (RDG), Deputy Chief Financial Officer, Agency Comptroller, Senior General Counsel*	<b>2</b>	Au sein de la direction	Directeur général (DG), Directeur général régional (RDG), administrateur supérieur adjoint des affaires financières, contrôleur de l'Agence, avocat général principal*
<b>3</b>	Own Division	Executive Director (Exe. Dir.), Senior Director (S. Dir.), Director (Dir.), Senior Counsel*, Regional Director (Counsellor), District Director	<b>3</b>	Au sein de la division	Directeur exécutif (dir. exécutif), directeur principal (dir. principal), directeur, avocat-conseil*, directeur régional (conseiller), directeur de district
<b>4</b>	Own Sector	Manager (Mgr.), Chief, Assistant Director (Asst. Dir.)	<b>4</b>	Au sein du secteur	Gestionnaire, chef, directeur adjoint
<b>5</b>	Own area	Team Leader (TL), Supervisor, Superintendent	<b>5</b>	Au sein de l'équipe	Chef d'équipe, superviseur, surintendant
<b>S</b>	CBSA	Human Resources Advisor (HRA)	<b>S</b>	ASFC	Conseiller en ressources humaines (CRH)

**NOTE:** If there is more than one type of staffing action performed simultaneously, the highest level of sub-delegation applies.

\*Employees from the Department of Justice providing legal services to the CBSA.

**NOTE :** Si plus d'un type d'action de dotation est effectué en même temps, le niveau de subdélégation le plus élevé s'applique.

\*Employés du Ministère de la justice fournissant des services juridiques à l'ASFC.

<sup>1</sup> As a functional head of staffing for the CBSA, the VP of Human Resources Branch is authorized to exercise any appointment and appointment-related authorities, except those maintained at the President level, within any part of the CBSA. Dans son rôle de responsable fonctionnel pour l'Agence, le VP de la direction générale des ressources humaines est autorisé à exercer tout pouvoir de nomination ou pouvoir connexe, à l'exception des pouvoirs maintenus au niveau du Président, et ce partout au sein de l'ASFC.

Sub-delegated Authorities	Non-EX	EX	Pouvoirs subdélégés
<b>1. General Authorities</b>			<b>1. Autorités générales</b>
a. Sub-delegate appointment and appointment related authorities	P	P	a. Subdéléguer les pouvoirs de nomination et pouvoirs connexes
b. Restrict national area of selection for external advertised processes under exceptional circumstances	P	P	b. Restreindre la zone de sélection nationale pour les processus annoncés externes annoncés lors de circonstances exceptionnelles
<b>2. Appointments</b>			<b>2. Processus de nomination</b>
a. Acting $\geq 4$ months < 12 months - Advertised and non-advertised <i>**As a functional head of staffing for Executive (EX) Resourcing, DG of EX Resourcing is authorized to make EX advertised or non-advertised acting appointment <math>\leq 12</math> months.</i>	4	2**	a. Intérimaire $\geq 4$ mois < 12 mois - Annoncé et non-annoncé <i>**Dans son rôle de responsable fonctionnel pour la dotation des cadres, le directeur exécutif du ressourcement des cadres est autorisé à faire des nominations intérimaires annoncées ou non annoncées <math>\leq 12</math> mois.</i>
b. Acting $\geq 12$ months	3	P	b. Intérimaire $\geq 12$ mois
c. Indeterminate and term – Advertised -External and Internal (PSEA 29(1))	4	P	c. Indéterminé et déterminé - Annoncé - externe et interne (LEFP art. 29(1))
d. Indeterminate and term - Non- Advertised -External and Internal (PSEA 29(1))	3	P	d. Indéterminé et déterminé - Non-annoncé externe et interne (LEFP art. 29(1))
e. Appointment of a person with a priority entitlement ahead of all others in the following order of precedence: I. A person who is released from the Canadian Forces for medical reasons attributable to service (PSEA ss. 39.1(1), (2)); II. Organizational surplus employee (PSEA s. 40); III. Leave of absence priority (PSEA ss. 41(1), (5), (6)); IV. Lay off priority (PSEA ss. 41 (4), (5), (6)) and V. Any regulatory priority, in no order of precedence. (PSER s. 5, 7, 7.1, 8, 8.1, 9 and 10)	4	P	e. Nomination d'un bénéficiaire de priorité avant toute autre personne, selon l'ordre de préséance suivant : I. Personne libérée des Forces canadiennes pour des raisons médicales attribuables au service (PSEA ss. 39.1(1), (2)); II. Fonctionnaire excédentaire ministériel (PSEA s. 40); III. Fonctionnaire en congé (PSEA ss. 41(1), (5), (6)); IV. Personne mise disponibilité (PSEA ss. 41 (4), (5), (6)); V. Tout bénéficiaire d'une priorité réglementaire, sans ordre de préférence (PSER s. 5, 7, 7.1, 8, 8.1, 9 and 10).
f. To appoint a person, without considering other priority persons, in order to avoid a situation in which that person would become a priority (PSEA s. 43)	3	P	f. Nommer une personne sans tenir compte d'autres bénéficiaires de priorité afin d'éviter que cette personne ne devienne une priorité (LEFP, art. 43)
<b>3. Administrative actions</b>			<b>3. Actions administratives</b>
a. Acting < 4 months – Advertised and non-advertised <i>**As a functional head of staffing for Executive (EX) Resourcing, DG of EX Resourcing is authorized to make EX advertised or non-advertised acting appointment <math>\leq 12</math> months.</i>	4	2**	a. Intérimaire < 4 mois - Annoncé et non-annonce <i>**Dans son rôle de responsable fonctionnel pour la dotation des cadres, le directeur exécutif du ressourcement des cadres est autorisé à faire des nominations intérimaires annoncées ou non annoncées <math>\leq 12</math> mois. Par contre, la PSD reste responsable d'initier et de mener le processus de nomination.</i>
b. Student (FSWEP/COOP) – Initial appointment and Re-hire	4	N/A	b. Étudiant (PFETE / COOP) – Nomination initiale et réembauche

Sub-delegated Authorities	Non-EX	EX	Pouvoirs subdélégués
c. Casual – hired for a specified period that may not exceed 90 working days in one calendar year in a given organization.	4	P	c. Emploi occasionnel – embauché pour une période déterminée ne pouvant excéder 90 jours ouvrables par année civile dans une même organisation.
d. Assignment/secondment	4	1B	d. Affectation/détachement
e. Part-time worker –Persons who are not ordinarily required to work the normal scheduled daily or weekly hours of work established for persons doing similar work and of certain others persons from the operations of the <i>Public Services Employment Act</i> .	4	1B	e. Travailleur à temps partiel - des personnes qui ne sont habituellement pas tenues de travailler plus du tiers de la durée de travail quotidienne ou hebdomadaire normale fixée pour les personnes qui effectuent un travail semblable et de certaines autres personnes, de l'application de la <i>Loi sur l'emploi dans la fonction publique</i> .
f. Unpaid work assignment (Internship) – generally used to allow students to gain practical and relevant work experience while achieving the objective of their academic program.	5	NA	f. Affectation non rémunérée (stage) – généralement utilisé pour permettre aux étudiants d'acquérir une expérience de travail pratique et pertinente tout en atteignant l'objectif de leur programme académique.
g. To extend a specified term employment (this includes Sunset terms provided the extension is for legitimate sunset funded positions.)	4	P	g. Prolonger un emploi de durée déterminée (ceci inclut les termes temporisés à condition que la prolongation concerne des postes temporisés légitimement financés.)
h. Appoint a specified term employee, who worked for a cumulative working period of three (3) years, to an indeterminate status (term roll over) at their substantive group and level	4	P	h. Nommé un employé détermine, qui travailler pour une période cumulative de trois (3) ans, à une durée indéterminée à son groupe et niveau substantif
i. Temporary duty abroad	4	P	i. Devoir temporaire à l'étranger
j. Foreign assignment	4	P	j. Affectation à l'internationale
k. Deployment	4	P	k. Mutation
l. Deploy when their current position has deployment as a condition of employment	4	P	l. Muter sans consentement l'employé dont la mutation fait partie de ses conditions d'emploi.
m. Deploy an employee without his/her consent as a result of a founded harassment complaint in consultation with Labour Relations.	2	P	m. Muter l'employé sans son consentement suite à une plainte de harcèlement fondée en consultation avec la division des relations de travail
n. Special deployment – Pre-retirement	NA	P	n. Mutation spéciale – Pré-retraite
o. Special deployment for Executives – Special projects ➤ A SD is initially for a period of up to 2 years. In exceptional cases, the President can extend the SD by up to one additional year for a maximum of 3 years in total.	NA	P	o. Mutation spéciale – Projets spéciaux ➤ Une MS est fixée initialement pour une période allant jusqu'à 2 ans. Exceptionnellement, le président peut prolonger la MS d'un an, pour un maximum de 3 ans.
p. Interchange Canada assignment ≤ 3 years.	4	P	p. Affectation d'Échange Canada ≤ 3 ans

Sub-delegated Authorities	Non-EX	EX	Pouvoirs subdélégués
<p>q. Interchange Canada assignments (as per TBS policy) in one of the following circumstances:</p> <ul style="list-style-type: none"> <li>I. On an exceptional basis, assignments of more than one year where the incoming participant does not meet the language requirements for the duties they will be performing;</li> <li>II. Refunding less than the full amount of the participant's salary, employer-paid benefits and/or relocation costs;</li> <li>III. Waiving any or all provisions of the National Joint Council's Foreign Service Directives (FSD) if the employee wishes to proceed with an assignment outside Canada without these entitlements, in accordance with FSD 3;</li> <li>IV. Assignment extensions up to a maximum of two additional years beyond the three-year assignment period;</li> <li>V. Payments to the sponsoring organization where the salary of incoming participant will exceed 125% of the total compensation that would be paid to an employee of the core public administration performing similar work;</li> <li>VI. Assignments of incoming participants employed and sponsored by a personal corporation;</li> <li>VII. Waiving the requirement that participants must have been employees of the sponsoring organization, including a personal corporation, for a period of at least six months prior to the commencement of the assignment; and</li> <li>VIII. Providing relocation assistance for Interchange assignments of less than one year for executives, despite section 1.4 of the National Joint Council <i>Relocation Directive</i>.</li> <li>IX. Waiving a participant's two-year waiting period between Interchange assignments.</li> </ul>	P	P	<p>q. Affectations d'Échange Canada (conformément à la politique du SCT) dans l'une des circonstances suivantes :</p> <ul style="list-style-type: none"> <li>I. de façon exceptionnelle, les affectations de plus d'un an dans le cadre desquelles le participant provenant de l'extérieur ne remplit pas les exigences linguistiques pour les fonctions qu'il exerce;</li> <li>II. le remboursement partiel du montant total du salaire du participant, des avantages sociaux à la charge de l'employeur ou des coûts de réinstallation,</li> <li>III. l'annulation de la totalité ou de certaines des dispositions des Directives sur le service extérieur (DSE) du Conseil national mixte si l'employé souhaite procéder à une affectation à l'étranger sans se prévaloir de ces droits, conformément à la DSE 3,</li> <li>IV. les prolongations d'affectation jusqu'à un maximum de deux années supplémentaires après la période d'affectation de trois ans,</li> <li>V. les paiements à l'organisme parrain lorsque le salaire du participant provenant de l'extérieur dépasse 125 % de la rémunération totale versée à une personne employée à l'administration publique centrale qui remplit des fonctions semblables,</li> <li>VI. les affectations de participants provenant de l'extérieur qui sont employés et parrainés par une société personnelle,</li> <li>VII. l'annulation de l'exigence selon laquelle les participants doivent être des employés d'un organisme parrain, y compris une société personnelle, pour une période d'au moins six mois avant le début de l'affectation,</li> <li>VIII. nonobstant l'article 1.4 de la <i>Directive sur la réinstallation</i> du Conseil national mixte, une aide à la réinstallation pour les affectations de moins d'un an pour les cadres supérieurs.</li> <li>IX. l'annulation de la période d'attente de deux ans d'un participant entre les affectations d'Échanges Canada.</li> </ul>
4. Termination of employment and selection of employee for retention or lay off (SERLO) <sup>2</sup> :			4. Fin d'emploi et Sélection des fonctionnaires aux fins de maintien en poste ou de mise en disponibilité (SMPMD) <sup>2</sup>

<sup>2</sup> For authorities related to Work force adjustment, please consult <http://atlas/hrb-dgrh/lr-rt/deleg/adjustment>

a. To accept or reject the resignation of an employee, and to specify the effective date of resignation in writing (PSEA s. 63); and accept the early termination of an employment agreement (e.g. assignment/secondment, casual, acting).	4	2	a. Accepter ou rejeter la démission d'un employé et spécifier par écrit la date effective de la démission (LEFP art. 63), et accepter la fin prématurée d'un contrat de travail (p.ex. affectation/détachement, occasionnel, nomination intérimaire).
b. To terminate an employment agreement earlier (e.g. casual, assignment/secondment, Interchange Canada, part time worker, student, acting, term). ➤ <i>*To terminate an employment agreement earlier, the SDP must be at minimum at the same level as the authority identified in this Instrument to make the action.</i>	*5	*2	b. Mettre fin prématurément à un contrat de travail (p.ex. occasionnel, entente d'affectation/détachement, Échange Canada, travailleur à temps partiel, étudiant, intérimaire, déterminé). ➤ <i>*Pour mettre fin prématurément à un contrat de travail, la PSD doit être au minimum au même niveau que l'autorité identifiée dans l'instrument pour faire l'action.</i>
<b>Sub-delegated Authorities</b>	<b>Non-EX</b>	<b>EX</b>	<b>Pouvoirs subdélégués</b>
c. To terminate, in consultation with Labour Relations Advisor, the employment of an employee who has not completed his/her probation period, or to notify the employee that they will be paid compensation in lieu of notice period [PSEA ss. 62 (2)]. ➤ <i>To terminate an employment agreement earlier, the SDP must be at minimum at the same level as the authority identified in this Instrument to make the action.</i> ➤ <i>Removal of an individual from a development program must be done according to the terms and conditions established for the program and under the level of authority establish in the program.</i>	All levels*	P	c. En consultation avec le conseiller en relation de travail, mettre fin à l'emploi d'un employé qui n'a pas complété sa période de stage, ou aviser l'employé qu'une indemnité équivalant au salaire auquel il aurait eu droit au cours de la période de préavis lui sera versée [PSEA ss. 62 (2)]. ➤ <i>Pour mettre fin à l'entente d'emploi prématurément, la PSD doit être au minimum au même niveau que l'autorité identifiée dans l'instrument pour faire l'action.</i> ➤ <i>Le retrait d'un individu d'un programme d'apprentissage doit se faire selon les modalités et les conditions établis pour le programme et sous le niveau d'autorité identifié dans le programme.</i>
d. Identify, in accordance with merit, the employees who are to be retained or laid-off within the part of the organization that is affected [PSEA ss. 64(2), PSER ss. 21(1)]	2	P	d. Identifier, conformément au mérite, les employés qui doivent être conservés ou mis à pied dans la partie de l'organisation qui est touchée [LEFP, art. 64 (2), REFP art. 21 (1)]
<b>5. Oath and solemn affirmation:</b>			<b>5. Serment et affirmation solennelle :</b>
a. To administer oaths and receive solemn affirmations in the case of appointments or deployments from outside the part of the public service to which the Commission has the exclusive authority to make appointments. ➤ <i>This authority can be exercised outside the area of responsibility of the SDP and for employees and/or positions which do not report to him/her.</i>	All levels including S	S	a. Administrer le serment et recevoir des affirmations solennelles lors du processus de nomination d'une personne hors de la partie de la fonction publique à laquelle les nominations relèvent exclusivement de la CFP. ➤ <i>Ce pouvoir peut être exercé en dehors de la zone de responsabilité de la PSD et pour des employés et/ou des postes qui ne relèvent pas d'elle.</i>
<b>6. Official Languages:</b>			<b>6. Langues officielles:</b>
a. To establish and/or change the language profile of encumbered and vacant positions.	3	1B	a. Ré-identifier et/ou modifier les exigences linguistiques des postes titularisés et vacants.
b. Approve the initiation of a non-imperative staffing process; and approve a non-imperative appointment or deployment in accordance with the exclusions <sup>3</sup> specified in the <i>Public Service Official Languages Exclusion Approval Order</i> .	1B	N/A	b. Approuver l'initiation d'un processus de dotation non impératif; et approuver une nomination non impérative ou une mutation non impérative conformément aux exclusions citées dans le <i>Décret d'exemption concernant les langues officielles dans la fonction publique</i> .

c. To extend the two-year period referred to in an agreement to become bilingual for one or more additional periods up to a total of 2 years. Extensions must be due to:	P	N/A	c. Prolonger une nomination non impérative au-delà de la période de deux ans visée par l'engagement de devenir bilingue pour une ou plusieurs périodes n'excédant pas 2 ans au total. La prolongation doit être attribuable à l'une des raisons suivantes:
I. exceptional operational requirements that were not foreseeable at the time of the appointment;			I. des exigences opérationnelles exceptionnelles et imprévisibles au moment de la nomination;
II. exceptional personal circumstances that were not foreseeable at the time of the appointment;			II. des circonstances personnelles exceptionnelles et imprévisibles au moment de la nomination;
III. a physical, mental or learning impairment that hinders the learning of the other official language at the required level of proficiency; or			III. une déficience d'ordre physique ou mental ou un trouble d'apprentissage nuisant à l'apprentissage de l'autre langue au niveau requis;
IV. the inability to obtain language training at public expense.			IV. l'incapacité d'obtenir de la formation linguistique dispensée aux frais de l'État.
Sub-delegated Authorities	Non-EX	EX	Pouvoirs subdélégués
<b>7. Investigations, corrective measures and reappointments:</b>			<b>7. Enquêtes, mesures correctives et nouvelles nominations:</b>
a. Determine whether to conduct a deputy head (DH) investigation, or to request a PSC investigation [PSEA ss. 67(2)] [PSEA ss. 15(3), ss. 67(2)].	2	2	a. Déterminer s'il convient de mener une enquête de l'administrateur général (AG) ou demander à la CFP de mener une enquête [LEFP par. 67(2)] [LEFP ss. 15(3) et 67(2)].
b. In internal appointment processes, to take corrective action after investigation conducted by the President or by the PSC at the request of the DH, excluding revocation.	1A	P	b. Dans les processus de nomination internes, prendre des mesures correctives après une enquête menée par le Président ou par la CFP à la demande de l'AG, à l'exclusion de la révocation.
c. Appoint to another position, a person whose appointment was revoked by the DH following an investigation.	1A	P	c. De nommer à un autre poste une personne dont la nomination a été révoquée par la DH à la suite d'une enquête.
d. To revoke appointments (including term and acting appointments) following an investigation conducted by the DH or by the PSC on the demand of the DH.	P	P	d. Dans un processus de nomination interne, révoquer une nomination (y compris les nominations de durée déterminée et les nominations intérimaires) après enquête mené par l'AG ou par la CFP à la demande de l'AG.
e. To appoint <sup>4</sup> to another position of a person whose appointment was revoked under section 66 (external process), sub-section 67(1) (non-delegated internal process), section 68 (political influence), and/or section 69 (fraud) of the PSEA (delegated by the PSC on a case-by-case basis only).	2	P	e. De nommer <sup>4</sup> à un autre poste une personne dont la nomination a été révoquée en vertu de l'article 66 (nominations externes), du sous-paragraphe 67 (1) (nominations internes – absences d'autorisation), de l'article 68 (nominations fondée sur des motifs politique) et/ou de l'article 69 (fraude) de la LEFP (délégué par la CFP au cas par cas seulement).
f. To set aside a revocation, to revoke an appointment, or not to make an appointment when ordered to do so by the FPSLRB; and to take corrective actions as indicated by the PSLRB.	P	P	f. Annuler une révocation, révoquer une nomination ou ne pas faire une nomination lorsqu'ordonné par la CRTESFP et prendre les mesures correctives indiquées par la CRTESFP.
g. Filing an order in Federal Court following a FPSLRB decision.	P	P	g. Renvoyer une décision CRTESFP à la cour fédérale.

<sup>3</sup> A confirmation from the PSC must be obtained prior to using the exclusion from meeting official language proficiency requirements on medical grounds (PSOLEAO s. 4). / Une confirmation de la CFP doit être obtenue avant d'utiliser l'exclusion de satisfaire aux exigences relatives aux compétences linguistiques pour des raisons médicales (DELOFP art. 4).



8. Employment Equity Act (EEA) and the Employment Equity Regulations (EER):			8. Loi sur l'équité en matière d'emploi (LEE) et Règlement sur l'équité en matière d'emploi (REE)
a. To review employment systems, policies and practices.	1A	P	a. Revoir les systèmes, les règlements et les pratiques en matière d'emploi.
9. Developmental, leadership and career progression programs			9. Programmes de perfectionnement, de leadership et d'avancement professionnel
a. Approve the CBSA Professional Development Program (PDP) Framework.	P	P	a. Approuver le cadre de référence des programmes de développement professionnel (PDP) de l'Agence.
b. Approve the implementation of a CBSA developmental, leadership or career progression program as per the approved PDP Framework.	1B	N/A	b. Approuver la mise en œuvre d'un programme de perfectionnement, de leadership ou d'avancement professionnel selon le cadre de référence approuvé pour PDP.
c. Manage a CBSA developmental, leadership or career progression program. ➤ <i>The terms and conditions must be established according to the CBSA developmental program framework.</i> ➤ <i>*The Officer Induction Development Program (OIDP), as part of the Officer Induction Model (OIM), is nationally managed by TDD within HRB. Any FB-03 appointment with the OIDP must be endorsed by TDD; however the approval of the letter of offer is a Level 2 authority within the hiring organization.</i>	2*	N/A	c. Gérer un programme de perfectionnement, de leadership ou d'avancement professionnel à l'ASFC. ➤ <i>Les termes et les conditions doivent être élaborés en fonction du cadre établi à l'ASFC pour les programmes de perfectionnement professionnels.</i> ➤ <i>* Le Programme de développement de base pour les agents (PDBA), faisant partie du modèle de base pour les agents (MBA), est géré nationalement par DFP au sein de la DGRH et, par ce fait, toutes nominations FB-03 dans le PDBA doit être approuvées par le DFP.</i>

## Annex / Annexe A

When exercising their appointment authorities, SDPs are also responsible for the following sub-delegated authorities:	Lorsque qu'ils exercent leurs pouvoirs de nomination, les PSD sont également responsables des pouvoirs subdélégués suivants :
<p>1. Determine choice of appointment<sup>5</sup> process to use, whether advertised or non-advertised (PSEA s.33) and determine indeterminate or specified term employment (PSEA s. 57).</p> <p><b>NOTE:</b> In an advertised internal appointment process, sub-delegated persons must ensure that they have a letter of confirmation issued by the PSC confirming eligibility to participate, and that a copy is maintained in the staffing file prior to considering the following candidates: persons who have been employed for at least 3 years in the office of a minister, Leader of the Opposition in the Senate, or the Leader of the Opposition in the House of Commons, or in any of those offices successively; persons who were formerly employed for at least 3 years in an excluded position in the Office of the Secretary to the Governor General, or in one or more of those positions consecutively.</p> <p>2. Determine the area of selection (AOS) [PSEA s. 34(1)], including exclusively target members of designated employment equity groups or to expand an area of selection to include members of designated employment equity groups [PSEA s. 34(1), (2)].</p> <p><b>NOTE 1:</b> Use of EE criteria to determine the AOS must be linked to the EE or HR Plan.</p> <p><b>NOTE 2:</b> In external advertised appointment processes, only the President may approve exceptions to the National AofS (PSC Appointment Policy).</p> <p>3. To establish the essential qualifications, including official languages proficiency, the asset qualifications for the work to be performed and to identify the current or future operational requirements and organizational needs [PSEA s. 30 (2) (a), (b) (i) (ii) (iii)].</p> <p><b>NOTE:</b> The qualifications established for appointments to and within all groups and levels must meet or exceed the applicable qualification standards established by the Treasury Board Secretariat (TBS).</p> <p>4. To establish the conditions of employment (COEs)</p> <p><b>NOTE 1:</b> The conditions of employment for Border Services Officers (BSOs) and Inland Enforcement Officers (IEOs) <b>cannot</b> be modified without the approval of TDD.</p> <p><b>NOTE 2:</b> 'Consent to be deployed' as a COE is strictly applicable to specific jobs within the Agency (e.g. FB jobs that require defensive equipment); therefore, only levels 1A (non-EX) and the President (EX) can establish this COE for other positions.</p>	<p>1. Déterminer le choix de processus de nomination à utiliser, s'il sera annoncé ou non annoncé (LEFP art.33) et déterminer la durée des fonctions pour une période indéterminée ou déterminée (LEFP art. 57).</p> <p><b>NOTE :</b> Dans le cadre d'un processus de nomination interne annoncé, les personnes subdéléguées doivent s'assurer qu'elles ont une lettre de confirmation émise par la CFP confirmant l'admissibilité à participer aux processus de nomination internes annoncés, et qu'une copie est conservée dans le dossier de dotation avant d'envisager d'embaucher les candidats suivants: les personnes qui ont été employées pendant au moins 3 années dans le bureau d'un ministre, du chef de l'Opposition au Sénat ou du chef de l'Opposition à la Chambre des communes, ou dans l'un de ces bureaux successivement ; les personnes qui ont été employées pendant au moins 3 années à un poste exclu au Bureau du secrétaire du gouverneur général, ou dans un ou plusieurs de ces postes consécutivement.</p> <p>2. Définir la zone de sélection (ZDS) [LEFP par. 34(1)], incluant cibler exclusivement les membres des groupes désignés aux fins de l'équité en matière d'emploi ou élargir une zone de sélection pour y inclure les membres des groupes désignés aux fins de l'équité en matière d'emploi [LEFP par. 34(1), (2)].</p> <p><b>NOTE 1 :</b> L'utilisation d'un critère EE pour déterminer la ZDS doit être en lien avec le plan d'EE ou de RH.</p> <p><b>NOTE 2 :</b> Dans les processus externes annoncés, seul le président peut approuver des exemptions quant à la zone de sélection nationale (Politique de nomination de la CFP).</p> <p>3. Établir les qualifications essentielles, notamment la compétence dans les langues officielles, les qualifications constituant un atout pour le travail à accomplir et identifier les exigences opérationnelles ainsi que les besoins organisationnels actuels et à venir [LEFP par. 30 (2) (a), (b) (i) (ii) (iii)].</p> <p><b>NOTE 1 :</b> Les qualifications établies pour les nominations à tous les groupes et à tous les niveaux doivent respecter ou dépasser les normes de qualification applicables établies par le Secrétariat du Conseil du Trésor (SCT).</p> <p>4. Établir les conditions d'emploi.</p> <p><b>NOTE 1 :</b> Les conditions d'emploi pour les agents des services frontaliers (ASF) et les agents d'exécution de la loi dans les bureaux intérieurs (AELBI) <b>ne peuvent</b> être modifiées sauf avec l'approbation de DFP.</p> <p><b>NOTE 2 :</b> 'Consentir d'être muté' comme condition d'emploi est strictement réservé à des postes spécifiques au sein de l'Agence (p.ex. les emplois de FB nécessitant de l'équipement de défense);</p>



5. Use any assessment method considered appropriate, such as a review of past performance and accomplishments, interviews and examinations, in order to determine if a person meets the merit established for the position to be staffed (PSEA s. 36).

**NOTE 1 :** *The sub-delegated person may ask another person(s), such as members of an assessment board, to assist with certain aspects of an appointment process (e.g. developing assessment questions, conducting interview), however the sub-delegated manager remain accountable for taking all decisions and exercising their discretion related to their sub-delegated authorities.*

**NOTE 2 :** *The authority to provide approval to proceed with a staffing action for initial entry or re-entry into the FB02 job (CBSA officer trainee) and FB-03 (Border services officers and Inland enforcement officers) are within the sole authority of Training and Development Directorate (TDD). Any manager attempting to begin a staffing action for these jobs outside of the Officer Induction Model (OIM) must consult with TDD; additionally, TDD remains the only authority to provide approval to proceed with the staffing action. This note only applies to staffing outside the Officer Induction Model (OIM); for staffing through the OIM refer to section 9c (pg. 12).*

6. At their request, informally discuss the decision to eliminate a person who has been eliminated from further consideration at any stage of an internal appointment process (PSEA s. 47).

**NOTE :** *Assessment Board Members and Human Resources Advisors may provide feedback to candidates, however the sub-delegated manager remains accountable for all decisions related to staffing authorities (e.g. reintegrating a candidate in the assessment process)*

7. To inform persons of the name of the person being considered for each internal appointment (PSEA s. 48(1)), to fix a waiting period during which appointments or proposed appointments may not be made (PSEA ss. 48(2)), and to inform persons who were advised in the first notification of the name of the person being appointed or proposed for appointment (PSEA ss. 48(3)).

**NOTE :** *The waiting period must meet or exceed the minimum established by the PSC.*

8. To inform, further to an internal appointment process, the persons in the area of recourse of the name of the person who is proposed to be, or has been appointed, in an acting capacity, and of their right and grounds to make a complaint (PSER s. 13).
9. In an advertised external appointment process, to give preference in the following order (PSEA ss. 39(1), (2), (3)): a person in receipt of a pension by reason of war service; a veteran or a survivor of a veteran; and a Canadian citizen, in any case where a person who is not a Canadian citizen is also a candidate.
10. Decide to not apply the provisions of the PSEA that relate to appointing a person with a priority entitlement if the appointment will result in another person having a priority right (PSEA s. 43).
11. Make appointments to and within the public service, based on merit and free from political influence and establish the effective date of appointment (PSEA ss. 29(1), 30, 55 and 56).

*par conséquent, seulement le niveau 1A (non-EX) et le président (EX) peuvent autoriser l'établissement de cette condition d'emploi pour d'autres postes.*

5. Utiliser toute méthode d'évaluation jugée appropriée, notamment la prise en compte des réalisations et du rendement antérieur, examens ou entrevues, pour déterminer si une personne rencontre le mérite établi pour le poste à pourvoir (LEFP art. 36). La personne subdéléguee peut établir un comité d'évaluation et le mandater d'évaluer les candidats.

**NOTE 1 :** *La personne subdéléguee peut demander à d'autre(s) personne(s), comme les membres d'un comité d'évaluation, de l'aider dans certains aspects du processus de nomination (p.ex. élaborer des questions d'évaluation, mener des entrevues), mais le gestionnaire subdélégue demeure responsable de toutes les décisions et est responsable d'exercer sa discrétion relativement à ses pouvoirs subdélégues.*

**NOTE 2 :** *Le pouvoir de donner l'autorisation de procéder à toute action de dotation pour l'entrée initiale ou la réentrée d'un poste au niveau FB-02 (agent de l'ASFC stagiaire) et FB-03 (agents des services frontaliers et les agents d'exécution de la loi dans les bureaux intérieurs) relèvent de la compétence exclusive de la Direction de la formation et du perfectionnement (DFP). Tout gestionnaire qui tente d'amorcer une action de dotation pour ses postes à l'extérieur du modèle de base pour les agents (MBA) doit consulter DFP. Par ailleurs, DFP reste la seule autorité à mener le processus. Cette note s'applique qu'à la dotation faite à l'extérieur du modèle de base pour les agents (MBA) ; pour la dotation faite dans le cadre du MBA, référez-vous à la section 9.c. du présent document.*

6. À leur demande, discuter de façon informelle avec les personnes dont la candidature n'a pas été retenue dans le cadre d'un processus de sélection interne, de la décision de les éliminer (LEFP art.47).

**NOTE :** *Les membres du comité d'évaluation peuvent fournir de la rétroaction, toutefois la personne subdéléguee demeure responsable de toutes les décisions relativement à ses pouvoirs subdélégues (p.ex. réintégrer un candidat dans le processus d'évaluation).*

7. Informer les personnes du nom de la personne retenue pour chaque nomination interne [LEFP par. 48(1)], fixer la période d'attente pendant laquelle aucune nomination ne peut être faite ou proposée [LEFP par. 48(2)] et informer les personnes ayant été avisées dans la première notification du nom de la personne nommée ou proposée pour une nomination [LEFP par. 48(3)].

**NOTE :** *La période doit rencontrer ou excéder le minimum établi par la CFP.*

8. Aviser, lors d'un processus de nomination interne, les personnes comprises dans la zone de recours, du nom de la personne proposée pour une nomination intérimaire ou déjà nommée de façon intérimaire et de leur droit de déposer une plainte (REFP art. 13).
9. Dans le cadre d'un processus de nomination externe annoncé, accorder la préférence dans l'ordre suivant [LEFP par. 39(1), (2), (3)]: aux pensionnés de guerre, aux anciens combattants ou à leurs survivants, et aux citoyens canadiens dans le cas où un non citoyen canadien est également candidat.
10. Décider de ne pas appliquer les dispositions de la LEFP visant la nomination d'une personne qui a droit à une priorité de nomination lorsque cette nomination aurait pour effet d'accorder à une autre personne le droit à une priorité [LEFP par. 43].

<b>Note:</b> In order to commit funds (sign a letter of offer), the person must have a financial card at the appropriate level and for the appropriate cost center. Please consult finance for more information.	11. Faire des nominations à et dans la fonction publique, basé sur le mérite et sans influence politique et déterminer la date effective de la nomination [LEFP par. 29(1), 30, 55 and 56]. <b>NOTE :</b> Pour engager des fonds (signer une lettre d'offre), la personne doit avoir une carte financière au niveau approprié et pour le bon centre de coût. Veuillez consulter les finances pour plus d'information.